

Interview

1. Telephone discussions between Applicant's representative Mark Saralino and Examiner Chung were held on February 5, 2010 and February 8, 2010. The Examiner wishes to thank Mr. Saralino for his time and consideration for such discussions.

As agrees by Mr. Saralino, Examiner is now issuing this office action because the proposed amendment as discussed on the interview with Applicant's representative that could not get approval on time by his Clients.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed in the interview:

As per claim 1, step (c2) "determining whether a verification...a physical sector is successful" the interrelation/interconnection between step (c2) and (c1) is unclear. Is applicant meant - - (c2 determining whether a verification of the data which has been written into the previously unrecorded physical sector of step (c1) is successful- -?;

Steps c2-c32, the used of "physical sector" and "unrecorded physical sector" is confusing, which physical sector and/or unrecorded physical sector of steps c2-c32 of the plurality of sectors are referred to?

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step (d2) “determining whether a verification...a physical sector is successful” the interrelation/interconnection between step (c2) and (c1) is unclear. Is applicant meant - - (d2 determining whether a verification of the data which has been written into the previously unrecorded physical sector of step (d1) is successful- -?; and

Steps d1-d32, the used of “physical sector” and “unrecorded physical sector” is confusing, which physical sector and/or unrecorded physical sector of steps c2-c32 of the plurality of sectors are referred to? Appropriate correction and/or clarification are required. Appropriate correction and/or clarification are required.

As per claims 2-6, these claims are also rejected because they dependent upon the rejected base claim.

As per claims 7-11, these claims are rejected under similar rationale as set forth in claim 1. Appropriate correction and/or clarification are required.

In addition, Claims 8 and 11 are apparatus claims, but there only preambles of the claims. For apparatus claim there should be a plurality of means, elements, devices, circuits or units in the body of the claims. Appropriate correction is required.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung M. Chung whose telephone number is (571)272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Ellis Kevin can be reached on 571-272-4205. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Phung M. Chung/
Primary Examiner
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